

Remarks

I. Status of Claims

Claims 2-4 are pending in the application and are currently amended. Claim 2 is the only independent claim. Claims 5-17 are canceled without prejudice to and/or disclaimer of the subject matter therein. The Applicant reserves the right to file one or more divisional application(s) directed to the non-elected subject matter in accordance with the provisions of 35 U.S.C. § 121.

Claims 2-4 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 5,694,901 to Togai et al. (hereinafter "Togai") in view of U.S. Patent No. 6,532,407 to Fuhrer et al. (hereinafter "Fuhrer").

The Applicant respectfully requests reconsideration of this rejection in view of the foregoing amendments and the following remarks.

II. Statement of Substance of Examiner Interview

In compliance with M.P.E.P. 713.04, the Applicant provides this Statement of Substance of Interview concerning the personal interview conducted on December 18, 2007 with Examiner Chuong.

- (A) Exhibits. No exhibit was shown or demonstration conducted.
- (B) Claims. 2-4.
- (C) Prior art. Togai and Fuhrer.
- (D) Amendments. Proposed amending claim 1 to include "configured to" language where appropriate and "wherein a period of time change in a first peak is compared with a period of time change in a opposite peak that is detected immediately after the first peak."
- (E) Arguments. Argued Fuhrer does not disclose and or suggest comparing the period of the time change in the first peak with the period of the time change in the opposite peak detected immediately after the first peak as alleged.

(F) Other matters. N/A

(G) Results. Agreement was reached. Applicant would submit amendments, including adding “configured to” language and arguments in writing. Amendments would likely place the application in condition for allowance; however, further search and/or consideration would be required prior to allowance.

III. Pending Claims

Claim 2, the only independent claim, stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Togai in view of Fuhrer.

The Applicant respectfully submits that claim 2 is patentable over the cited references at least because it recites “wherein a period of time change in a first peak is compared with a period of time change in a opposite peak that is detected immediately after the first peak.”

The Applicant respectfully submits that the Office Action does not contemplate the difference between detecting a rough road section depicted in Fig. 3a and 3b of Fuhrer, and estimating a change in condition of a road surface, claimed in claim 2, and illustrated in Fig. 3 of the present application.

In Applicant’s independent claim 2, the change of the road surface condition is estimated based on a variation in period of a time change of a rotation angular acceleration that increases to or over a predetermined reference value. In order to identify the variation in period of the time change, there must be comparison between the period of the time change in a first peak and the period of the time change in an opposite peak detected immediately after the first peak.

However, in contrast to the present application, Fuhrer does not disclose and/or suggest comparing the period of the time change in the first peak with the period of the time change in the opposite peak detected immediately after the first peak.

Therefore, the Applicant respectfully submits that, for at least these reasons, claim 2 and its dependent claims are patentable over the cited references.

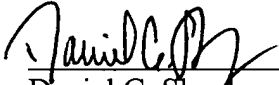
IV. Conclusion

In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: January 11, 2007

By: 
Daniel G. Shanley
Reg. No. 54,863

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201